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ATTORNEY DOCKET NO. GEH01 192 CIP

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Patent Application of Michael S. Crone

Serial No.: 09/476,615

Art Unit: 3623

Filed: December 31, 1999

Examiner: Andre D. Boyce

Title: COST REACTIVE SCHEDULER AND METHOD

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**Assignment Services Division**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

JUL 12 2006

**OFFICE OF PETITIONS**

**REQUEST TO CORRECT IDENTIFICATION OF ASSIGNEE  
AND IN THE ALTERNATIVE  
PETITION TO EXPUNGE ASSIGNMENT RECORD**

Sir:

The Applicant hereby requests that the Patent and Trademark Office correct the identification of the assignee for the subject application under MPEP § 323.01(c). In the alternative, the Applicant hereby petitions to expunge the assignment record located at reel/frame number 10654/0243 under MPEP § 323.01(d).

The Applicant submits herewith:

- (A) a completed patent recordation cover sheet identifying the subject application pursuant to MPEP § 323.01(c);
- (B) a Declaration pursuant to MPEP § 323.01(c); and
- (C) the required fee under 37 C.F.R. § 3.41.

This communication is being filed concurrently with payment of the Issue Fee for the subject application.

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**REQUEST TO CORRECT IDENTIFICATION OF ASSIGNEE** OFFICE OF PETITIONS

The Applicant hereby requests that the Office correct the identification of the assignee of record for the subject application.

The Applicant filed an assignment (the "Parent Assignment") for U.S. Patent No. 5,623,413 (the "Parent Patent") with the Office on October 13, 1994. A courtesy copy of the Parent Assignment is attached herewith as Exhibit A. The Parent Assignment was recorded on October 13, 1994 at reel/frame number 7196/0972.

The Parent Assignment assigns "the entire right, title and interest in the invention disclosed and/or claimed in the [Parent Patent] ... and in and to any and all divisions, continuations, continuations-in-part of said applications, or re-issues or extensions of said patents or Letters Patent..." to Harris Corporation. (See Parent Assignment, lines 1-5 below item (6)) (emphasis supplied).

The Applicant filed an assignment (the "CIP Assignment") for the subject application, a continuation-in-part application of the Parent Patent, on February 29, 2000 in error. The CIP Assignment was recorded on February 29, 2000 at reel/frame number 10654/0243. The CIP Assignment identifies GE Harris as the assignee.

It is clear that the entire right, title and interest in the subject application was assigned to Harris Corporation upon execution of the Parent Assignment; thus, the CIP Assignment is without effect. (See Parent Assignment, lines 1-5 below item (6)). The

Applicant hereby respectfully requests that the Patent and Trademark Office correct the identification of the assignee to reflect the proper assignee of record as Harris Corporation.

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**PETITION TO EXPUNGE ASSIGNMENT RECORD**

In the alternative, the undersigned hereby petitions the Office to expunge the CIP Assignment under MPEP § 323.01(d).

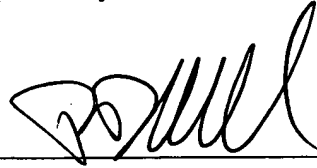
With reference to Exhibit A, the Parent Assignment assigned the entire right, title and interest subject application, a continuation-in-part of the Parent Patent. (*See* Parent Assignment, lines 1-5 below item (6)). The CIP Assignment was recorded against the subject application in error and incorrectly identifies the assignee of record as GE Harris.

With regard to the explicit wording contained in the Parent Assignment, the CIP Assignment is without effect and expungement thereof will not affect the integrity of the assignment records.

Favorable consideration of this Request to Correct Identification of Assignee and in the alternative Petition to Expunge Assignment Record is hereby respectfully requested.

The appropriate fees are submitted herewith; however, should any additional fees be necessary in connection with the filing of this paper, the Office is authorized to charge such fees to Deposit Account No. 04-1679.

Respectfully submitted,



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Patrick D. McPherson

Reg. No. 46,255

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Dated: June 29, 2006

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# ASSIGNMENT

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OFFICE OF PETITIONS

(1-6) Insert Name(s) of  
Inventor(s)

(1) William L. Matheson  
(2) Paul M. Julich  
(3) Michael S. Crone  
(4) Douglas A. Thomae  
(5) Thu V. Vu  
(6) M. Scott Wills

In consideration of the sum of one dollar (\$1.00) and other good and valuable considerations, the receipt of which is acknowledged by each of the undersigned, the undersigned agree(s) to assign, and hereby do(es) assign, transfer and set over to

(5) Insert name of Assignee (5) Harris Corporation  
(6) Insert address of Assignee (6) 1025 West Nasa Blvd.  
Melbourne, Florida 32919

and its successors, legal representatives and assigns (hereinafter designated as the Assignee) the entire right, title and interest in the invention disclosed and/or claimed in the United States application identified below, as well as all applications for patent and any Letters Patent which may be granted therefor in the United States of America and all foreign countries, and in and to any and all divisions, continuations, continuations-in-part of said applications, or re-issues or extensions of said patents or Letters Patent, and all rights under the International Convention for the Protection of Industrial Property:

(7) Insert Identification of Invention, such as Title, Docket Number, or Foreign Application Number (7) SCHEDULING SYSTEM AND METHOD (Docket No. HAR W-192)  
(8) Insert date of signing of application (8) \_\_\_\_\_  
(9) Alternative identification for filed applications (9) U.S. Application Serial Number \_\_\_\_\_ filed \_\_\_\_\_

The undersigned further agree(s) to cooperate with the Assignee in every way possible and to do all affirmative acts, and to execute all papers which counsel for Assignee shall advise are necessary and/or desirable without charge to Assignee in connection with said applications including, without limitation, the execution of separate assignments in connection with such applications, claims or provisions of the International Convention for Protection of Industrial Property or similar agreements.

The undersigned hereby authorize(s) and request(s) the Commissioner of Patents to issue any and all Letters Patent of the United States resulting from said application or any division or divisions or continuing applications thereof to said Assignee, as Assignee of the entire interest, and hereby covenants that he/she has (they have) full right to convey the entire interest herein assigned, and that he/she has (they have) not executed and will not execute, any agreement in conflict herewith.

The undersigned hereby grant(s) to L. Lawton Rogers, III, Reg. No. 24,302, Joseph M. Killeen, Reg. No. 31,384 and Thomas W. Perkins, Reg. No. 33,027 the power to insert on this assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent Office for recordation of this document.

In witness whereof, executed by the undersigned on the date(s) opposite the undersigned name(s).

Date <u>9/13/94</u>	Signature of Inventor <u>William L. Matheson</u>
Date <u>9/13/94</u>	Signature of Inventor <u>Paul M. Julich</u>
Date <u>9/13/94</u>	Signature of Inventor <u>Michael S. Crone</u>
Date <u>9/13/94</u>	Signature of Inventor <u>Douglas A. Thomae</u>
Date <u>9/13/94</u>	Signature of Inventor <u>Thu V. Vu</u>
Date <u>9/13/94</u>	Signature of Inventor <u>M. Scott Wills</u>